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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLYDE KIRKWOOD,

No. C-06-04380 EDL

Plaintiff,

Related to Case No. C-07-3857 EDL

v.

ORDER OF CONDITIONAL DISMISSAL

REEDEREI F LAEISZ GMB LL ROSTOK,

Defendant.

The parties hereto, by their counsel, having advised the Court that they have agreed to a settlement of this cause,

IT IS HEREBY ORDERED that this case is dismissed without prejudice, with leave to reinstate on or before 60 days for the purpose of proceeding with the litigation in the event a settlement has not been completed prior to that date. In the event a request to reinstate the case is not filed and served on opposing counsel on or before the foregoing date, the dismissal will be with prejudice.

IT IS SO ORDERED.

Dated: February 22, 2008

Elizabeth D. Laporte
ELIZABETH D. LAPORTE
United States Magistrate Judge